

FILED

May 11, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

BY: _____ **PT**
DEPUTY

CEDRIC EARL HILL,

Plaintiff,

v.

**DETECTIVE JORDAN HAREN,
OFFICER ERNEST VENEGAS,
OFFICER SHANE PRINCE, OFFICER
K. VIESCA, CITY OF PLEASANTON,
PLEASANTON POLICE
DEPARTMENT, CHIEF ROLAND
SANCHEZ,**

Defendants.

CIVIL NO. SA:20-CV-00985-OLG

ORDER

This case is before the Court on Defendants' Motion for Summary Judgment. (*See* Dkt. No. 39.) Pursuant to 28 U.S.C. § 636(b), United States Magistrate Judge Henry J. Bemporad issued a Report and Recommendation (R&R) with respect to the Motion. (*See* Dkt. No. 46.) Specifically, the R&R recommends that Defendants' Motion be granted and that Plaintiff's claims be dismissed with prejudice. (*Id.*) Plaintiff timely filed his objections to the R&R. (Dkt. No. 50.)

When a party objects to a magistrate judge's recommendation, the Court must make a de novo determination as to those portions of the recommendation to which an objection is made. *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Frivolous, conclusive, or general objections, however, need not be considered by the district court. *Battle v. U.S. Parole Com'n*, 834 F.2d 419, 421 (5th Cir. 1987). Here, Plaintiff has failed to present any specific objection to the matters addressed in the R&R.¹ Nevertheless, the Court has conducted

¹Plaintiff objects to the issuance of the R&R on the grounds that neither party gave consent to the Magistrate Judge. (*See* Dkt. No. 50.) However, consent is not required under 28 U.S.C. § 636(b)(1)(B), which authorizes the issuance of an R&R with respect to a motion for summary judgment.

an independent review of the recommendation, the record, and the applicable law and finds that the R&R correctly articulates and applies the facts and law.

It is therefore **ORDERED** that Magistrate Judge Bemporad's Report and Recommendation (Dkt. No. 46) is **ACCEPTED**.

It is further **ORDERED** that Defendants' Motion for Summary Judgment (Dkt. No. 39) is **GRANTED** and Plaintiff's claims are **DISMISSED WITH PREJUDICE**.

This case is **CLOSED**.

It is so **ORDERED**.

SIGNED this 11th day of May, 2023.



ORLANDO L. GARCIA
United States District Judge